

AMENDED IN ASSEMBLY APRIL 17, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1202

Introduced by Assembly Member Skinner
(Coauthor: Assembly Member Ammiano)

February 22, 2013

An act to add Section 144.8 to the Labor Code, relating to occupational safety and health standards.

LEGISLATIVE COUNSEL'S DIGEST

AB 1202, as amended, Skinner. Occupational safety and health standards: hazardous drugs.

Under existing law, the Occupational Safety and Health Standards Board within the Department of Industrial Relations promulgates occupational safety and health standards for the state, including standards dealing with toxic materials and harmful physical agents. Violations of these standards and regulations is a crime.

This bill would require the board to adopt a standard for the handling of antineoplastic and other hazardous drugs, as defined, in health care facilities regardless of the setting. The bill would require the standard to be consistent with and not exceed specific recommendations adopted by the National Institute for Occupational Safety and Health for preventing occupational exposures to those drugs in health care settings. By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares the following:

2 (a) Health care personnel who work with or near hazardous
3 drugs in health care settings may be exposed to these agents in the
4 air, on work surfaces, clothing, and medical equipment, or through
5 patient contact.

6 (b) According to the National Institute for Occupational Safety
7 and ~~Health~~, *Health (NIOSH)*, early concerns about occupational
8 exposure to antineoplastic drugs first appeared in the 1970s.
9 Antineoplastic and other hazardous drugs may cause skin rashes,
10 infertility, miscarriages, and birth defects, and have been linked
11 to a wide variety of cancers.

12 (c) In 2004, the ~~National Institute for Occupational Safety and~~
13 ~~Health~~ *NIOSH* published an alert on preventing occupational
14 exposures to antineoplastic and other hazardous drugs in health
15 care settings, and updated that alert in 2010. In this alert, the
16 ~~National Institute for Occupational Safety and Health~~ *NIOSH*
17 “presents a standard precautions or universal precautions approach
18 to handling hazardous drugs safely: that is, NIOSH recommends
19 that all hazardous drugs be handled as outlined in this Alert.”

20 (d) It is the intent of the Legislature to require the Occupational
21 Safety and Health Standards Board to adopt standards that require
22 health care facilities to comply with all aspects of the ~~National~~
23 ~~Institute for Occupational Safety and Health~~ *NIOSH* alert regardless
24 of the setting in order to protect health care personnel from
25 hazardous exposure to these drugs.

26 SEC. 2. Section 144.8 is added to the Labor Code, to read:

27 144.8. (a) As used in this section the following definitions
28 shall apply:

29 (1) “Antineoplastic drug” means a chemotherapeutic agent that
30 controls or kills cancer cells.

31 (2) “Hazardous drug” means any drug identified by the National
32 Institute for Occupational Safety and Health at the federal Centers
33 for Disease Control and Prevention or any drug that meets at least

1 one of the following six criteria: carcinogenicity, teratogenicity or
2 developmental toxicity, reproductive toxicity in humans, organ
3 toxicity at low doses in humans or animals, genotoxicity, or new
4 drugs that mimic existing hazardous drugs in structure or toxicity.

5 (3) “NIOSH” means the National Institute for Occupational
6 Safety and Health.

7 (b) The board shall adopt an occupational safety and health
8 standard for the handling of antineoplastic and other hazardous
9 drugs in health care facilities regardless of the setting. In
10 developing the standard, the board shall consider input from
11 hospitals, *practicing physicians from impacted specialties,*
12 *including oncology,* organizations representing health care
13 personnel, *including registered nurses,* and other stakeholders,
14 and shall determine a reasonable time for facilities to implement
15 new requirements imposed by the adopted standard. The standard,
16 *to the extent feasible,* shall be consistent with and not exceed
17 recommendations in the NIOSH 2004 alert entitled “Preventing
18 Occupational Exposures to Antineoplastic and Other Hazardous
19 Drugs in Health Care Settings,” as updated in 2010. The standard
20 may incorporate applicable updates and changes to NIOSH
21 guidelines.

22 SEC. 3. No reimbursement is required by this act pursuant to
23 Section 6 of Article XIII B of the California Constitution because
24 the only costs that may be incurred by a local agency or school
25 district will be incurred because this act creates a new crime or
26 infraction, eliminates a crime or infraction, or changes the penalty
27 for a crime or infraction, within the meaning of Section 17556 of
28 the Government Code, or changes the definition of a crime within
29 the meaning of Section 6 of Article XIII B of the California
30 Constitution.